Texas Department of Insurance
Division of Workers' Compensation
Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

J T DILGER JR MD
6718 MONTAY BAY DRIVE
SPRING TX 77389

Carrier's Austin Representative Box
19

Respondent Name
NEW HAMPSHIRE INSURANCE CO

MFDR Date Received
FEBRUARY 9, 2012

MFDR Tracking Number
M4-12-1991-01

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Designated Doctor Exam"

Amount in Dispute: $350.00 + interest for 300 days

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary dated February 27, 2012: "This is a medical fee dispute concerning a exam on April 20, 2011. Carrier had not received a bill for this service and was unaware that the exam had occurred. Carrier is attempting to contact Requestor to obtain a copy of the bill. Upon receipt, carrier will review for payment and issue appropriate reimbursement."

Response Submitted by: Flahive Ogden & Latson, P. O. Box 201320, Austin, TX 78720

Respondent's Supplemental Position Summary dated February 28, 2012: "Carrier has issued payment as of February 27, 2012, in the amount of $350.00. Carrier is reviewing its bill receipt logs to confirm that the bill was not received earlier than Requestor's DWC-60 filing. Based on that review Carrier will determine whether interest is owed."

Response Submitted by: Flahive Ogden & Latson, P. O. Box 201320, Austin, TX 78720

Respondent's Position Summary dated October 25, 2012: "Carrier issued payment of $500 to Requestor on February 27, 2012. Carrier asserts that it has issued full reimbursement for the services rendered on April 20, 2011."

Response Submitted by: Flahive Ogden & Latson, P. O. Box 201320, Austin, TX 78720

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 20, 2011	99456-W5	$350.00 + interest for 300 days	$9.07

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §134.130 sets out the procedures for Interest for Late Payment on Medical Bills and Refunds.
2. 28 Texas Administrative Code §133.240 sets out procedures for medical payment and denials
3. Texas Labor Code §413.019 sets out procedures for Interest Earned for Delayed Payment, Refund, or Overpayment regarding medical services and fees.
4. Texas Labor Code §401.023 sets out procedures for computation of Interest or Discount Rate.
5. 28 Texas Administrative Code §133.307 sets out the procedures for health care providers to pursue a medical fee dispute.
6. 28 Texas Administrative Code §134.204 sets out the fee guidelines for the reimbursement of workers' compensation specific codes, services and programs provided on or after March 1, 2008.
7. Copies of explanation of benefits were not submitted by either party for review. The disputed services will therefore be reviewed in accordance with the applicable Division rules and fee guidelines.

Issues

1. What is the Maximum Allowable Reimbursement (MAR) for CPT Code 99456-NM-W5?
2. What is the interest due per 28 Texas Administrative Code §134.130?
3. Is the requestor entitled to additional reimbursement?

Findings

1. The requestor billed the amount of $350.00 for CPT Code 99456-W5 regarding a Designated Doctor Examination for the injured worker not being at Maximum Medical Improvement (MMI), therefore no Impairment Rating was performed. Per 28 Texas Administrative Code §134.204(j)(3)(C), the Maximum Allowable Reimbursement (MAR) for MMI is $350.00. Documentation and payment status received from the requestor on October 9, 2012 indicates that the insurance carrier paid $350.00 March 9, 2012; therefore, no additional amount is due for 99456-W5.
2. The requestor alleges that interest is due for the service in dispute. Pursuant to 28 Texas Administrative Code §134.130(a) "Insurance carriers shall pay interest on medical bills paid on or after the 60th day after the insurance carrier originally received the complete medical bill, in accordance with §133.240 of this title (relating to Medical Payment and Denials). Additionally, 28 Texas Administrative Code §134.130(c) states, "The rate of interest to be paid shall be the rate calculated in accordance with Labor code §401.023 and in effect on the date the payment was made." On October 11, 2012, the division contacted the carrier via memorandum to request information/documentation to establish the date that the carrier received a complete medical bill for the service in dispute. The carrier did not provide the requested responsive documents for review in this case. The provider's documentation supports that the requestor in this fee dispute first submitted the medical bill on April 23, 2011 to fax number 877-434-1942. Therefore, the division concludes that the date the carrier originally received the complete medical bill is April 23, 2011.
3. The respondent reimbursed the requestor the amount of $0.00 for interest due. In accordance with 28 Texas Administrative Code §134.130, the appropriate amount due for interest is $9.07. Therefore an additional amount of $9.07 is recommended for payment.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is $9.07.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of $11.41 per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	December 3, 2012 Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.